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OUR RELATIONS WITH THE REBELLIOUS STATES.

S P E E C H

OF

HON. JAMES M. SCOVEL,

Delivered in the New Jersey Senate, February 27th, 1866.

MR. PRESIDENT:

He must be a bonyant philosopher as well as the most charming of optimists who will deny, since the 22d day of February, that there is vitality in the spirit of slavery.

It belongs to brave and creative intellects to forget the past, and I did not, Mr. President, take my place upon the floor of the Senate to-day to indulge in any historical detail of the sad but glorious recollections of the past four years through which the American Republic has struggled, and suffered and triumphed.

But, sir, events which have so recently shaken political opinion to its centre teach me to

"Be wary and mistrustful:
The sinews of the soul are these."

And without effort I recall the session of that defiant Convention which nominated a candidate for President because he had never won a battle, and then, with unblushing and unbridled audacity asked the world to believe that a just war was a failure, and that a cessation


of "hostilities" was demanded by justice, and liberty, and humanity!

But the God of our Fathers, and not the wisdom of man, rescued the Republic.

Sherman, within a month after the Chicago surrender, with the glittering bayonets of his hundred thousand, stamped Mr. Vallandigham's utterances as a political falsehood.

The Empire of Liberty moved forward. As we fondly imagined, the reign of peace had come. That kindest and most loving of men—he who was most deeply versed in the unwritten laws of humanity, the trusted and most well beloved leader of the nation's cause, walked hand in hand with his little child unguarded through the streets of Richmond.

Not one year ago, upon that wild and awful night in April, Booth's bullet stilled the pulse of that mighty heart. The grass has not yet grown green over the grave where we laid him.

Where was the great criminal? 

Mr. President, he lives to-day, not the leading spirit of a lying civilization, comfortable in a casemate of Fortress Monroe and rejoicingly celebrating the 22d day of February, in the year of Grace 1866—not Alexander H. Stephens, who saw "a ray of light" through the Chicago platform and now sees another as he complacently refers to President Johnson as his "great standard-bearer," and *generously* hopes that the present policy of restoration may "receive the cordial support of every well-wisher of his country."

Elected to the Senate of the United States by an unregenerate rebel constituency who scorned a constitution under whose shelter they basely endeavor again to creep, Mr. Stevens, of Georgia, even promises that the black man may "start equal before the law in the possession of enjoyment of all rights of *personal liberty and property*."

Small thanks for strong deservings! The Constitutional Amendment gives to the dark-skinned citizens of the Republic a right to be free, therefore in this you yield him nothing, sir.

The free black in all the States has heretofore enjoyed the right to hold property, and in Maryland he (the colored man) voted with the whites for the Constitution of the United States.

Then if we are just to the Vice President of a dead Confederacy, you yield to the black man who carried a bayonet or who merged his rights in the will of his master when slavery existed in *name* nothing but the bare right to live and to hold property—if he can get it!

No! Mr. Stephens, you still persist in your denial of the rights of man: and in these days there are more simple infidels to man than infidels to God.

No State Government has ever been recognized which ostracised a majority or any great mass of the people. The right of the State to ostracise a great mass of free negroes has never been recognized.

If this precedent be set now it is for the first time to be set.

When negroes become free they become a part of the nation, and to ostracise them is to *sanction a principle fatal to American government.*

There have been for the bondman two hundred and fifty years of unrequited toil: for forty years the African has been the subject of conflict in politics in the pulpit and in the halls of Congress.

Wise men and Statesmen insisted that servitude was his proper status; Congress declared by solemn resolutions that he should no longer be talked about. But he was talked about. He grew into colossal proportions. The black man fronted the stars. God raised up (or permitting the use of the Devil's instruments for his own excellent purposes) such abolitionists as John C. Breckinridge and Jefferson Davis.

By their avarice and their ambition, seeking to limit the ends of Government to the protection of property, and to blend the lofty commerce of spirit with spirit into the base bargaining of political selfishness, they at last succeeded, against their will, in breaking the bonds of the slave, while they strive to burst asunder the bonds of the Union, and to-day, thank God, the negro stands before the world a fixed figure on the canvas of history. No longer three-fifths of a man, but a whole man under an amended Constitution. He has rights which a white man is bound to respect—these rights will be secured to him by the fidelity of such men as Ulysses Grant and Horace Greeley, and if the political Moses at the White House is not yet *out of the Bulrushes*, there are 20,000,000 freemen in the North who have twice dared at the ballot box in 1860, and four years later, to declare that some Moses must be found to lead the long-waiting African through any Red Sea over to the promised land where he shall find, after 90 years of bondage, the stone of ignorance and prejudice has rolled away from the sepulchre and that he walks a freeman whom the truth makes free, in the light of a morning which breaks upon the new resurrection of human freedom.

But I have asked where is the great criminal who menaces the life of the Nation?

He lives yet as he has lived during the Rebellion, corrupting the heart and animating the minds of the men of whom Mr. Shellebarger says:

“They planned one universal bonfire of the North from Lake Ontario to the Missouri. They murdered by systems of starvation and exposure sixty thousand of your sons, as brave and heroic as ever martyrs were. They destroyed in the five years of horrid war another army so large that it would reach almost around the globe in marching columns; and then to give to the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime, and all that is detestable in barbarism, they killed the President of the United States.”

But the great criminal died not with the Rebellion.

We think we exercised the evil spirit in New Jersey last November; but that he is utterly dead, I beg leave to doubt.

1. But he lives among the nutmeg men of Connecticut, who refuse the negro the right to vote, and yet impose upon him the double duties of fighting for the Union and paying taxes incurred in breaking down a slaveholders' rebellion.

2. He lives in the swamps of South Carolina, where black codes are enacted, creating Slavery in fact on one hand while they pretended to abolish it in *name* on the other.

3. The great criminal lives wherever in high places men shout "this is a white man's government;" and it lives and moves and has a being wherever *caste* flourishes and tortures its victims with the remorselessness of the Spanish Inquisition.

Society is, simply, human nature existing in combinations, sometimes natural, but generally artificial. It cannot be denied that for half a century the American Nation have not been *homogeneous*. The North might be properly called the labor States, and the South the capital States.

With us labor took care of itself, with them habits of idleness were perfectly consistent with ideas of dignity. Labor was menial. They firmly believed in the curse, but not in the nobility of labor.

My dead, but immortal friend, Henry Winter Davis, himself once a slave-owner, and one of the grandest and purest soldiers who ever fought for the liberation of humanity, said of the South:

"It was resolved by them to become a power and cease to be merely an interest.

It could be tolerated as an interest, it could not be tolerated as a power, which by political coalition became the dominant power of the Nation (the addition of the great regions of Florida and Louisiana to the domain of the United States, fired the blood of its supporters

with the determination of ruling). It first asserted itself as a power in the great Missouri compromise so long worshiped by all men as the emblem of our peace. Texas was its conquest. The compromise of 1850 was the recognition of its equality with freedom in disposing of the fortunes and fate of the Nation.

The repeal of the Missouri compromise was its assertion, not merely that it was a power, but that it had power to rule. The war in Kansas was its struggle, to assert against a reluctant people, its right to rule. The Dred Scott decision was the sanction of its most insolent claims by the supreme judicial authority of the Nation before which bowed every dissenting voice in the South.

It had made for itself a permanent home in the South, a home full of ideas and arguments for its maintenance and advancement; it seized upon, and taught the doctrine of State rights as one of its bulwarks."

(And John C. Calhoun was the wicked and persistent evangelist of this pernicious idea, which, when backed by the terrible unity of Southern politicians, and the conscienceless tyranny of executive courts, had well nigh taken the life of American Liberty).

The Dred Scott decision cultivated submission to the local authorities, so that in case of collision the men of the South *might prefer their State to the nation*. Slavery was first wrong, then excusable, then defensible, then defended by Scripture, historical and political arguments; then advocated and vaunted as the highest development of the social organization.

Every principle of human reason was confounded in the deliberate attempt to make right of a wrong.

It created a new theology, a new history, a new ethnology for itself. "They dreaded the intrusive eye of freedom, tolerated it only blindfold, and thus firmly imbued with convictions scientifically and logically wrought, with a social system, strong in arguments for its support, at peace with their consciences, given over to believe a lie, a territory equal in area to the greatest empire in the world—filled with an energetic, brilliant, brave and devoted people, educated in the idea that the

State is supreme and could secede at will, and that even if the State had not that right, it could sanction, and by its authority, which they were bound to obey, excuse all who, under its bidding, took arms against the nation; armed against moral reprobation by pride—strong against the law of the land in arms, in the sympathy of many at the North, in a generation educated and devoted to those ideas for which they were ready to die, they drew the sword! throwing away the scabbard, to assert that slavery is the true corner-stone of freedom. That corner-stone on which they sought to raise a new empire, now lies crumbled and shattered at the feet of advancing freedom."

The empire is dead, but, alas! slavery lives. Its cat-like step walks the courts, and its *Judas* Benjamins still live on this side of the Atlantic.

Its Janus-face and its iron hand, encased in a velvet glove, are softly found peeping over the cushion of Northern pulpits, and I have heard gentle prayers, whispered in words worthy of Sydney, the sweet Secretary of Eloquence, in thanks to God for having "converted the Southern heart to loyalty." Slavery dead! My God! No, Sir! No! Claspings the Bible with handcuffs, and festooning the Cross of Christ with chains, it murders one President at Ford's theatre on the anniversary of the fall of Fort Sumpter, and on the anniversary of the day that gave birth to the Father of his Country, at another theatre in Washington, slavery clasps its collar around the neck of another President, while Sunset Cox of Ohio, with graceful mien, gets ready a rehearsal of his new play, entitled

"CÆSAR AND MOSES,

OR,

CROSSING THE RUBICON!

IN A BASKET OF BULRUSHES!"

During the performance, Vallandigham hangs out his flag and fires a hundred guns! The people do not say

"amer.." But let us turn to a more agreeable picture; for if we count time by heart-throbs, these have been long and weary days in which we have watched the flank movement of a pro-slavery army with banners, readily recognizing a new foe with an old face.

We turn from the "nervous man to the *men* of nerve." But when we behold the able and courtly Fessenden, and the true-hearted Sumner, whose fidelity to principle is, to-day, the marvel of two worlds, we sigh as we are forced to the conclusion that John C. Breckinridge, a refugee and a traitor, is supposed to have more power in this Government than Maine or Massachusetts.

But, Mr. President, I propose to return to the consideration of the resolutions before the Senate. There never was any jar or discord between generous sentiments and sound policy. Nature never says one thing and wisdom another.

And when I advocate an enactment by Congress which will give to every soldier twenty-one years of age, who has served his country since April 14, 1861, the right to vote, I believe such a law would be sanctioned both by good sense and by sound policy.

I may be met by the objection that the Constitution is silent upon the question of suffrage, and that this question ought to be left to the States themselves. But the Constitution puts the badge of inequality upon no one. And shall we?

That policy which would call the black to our aid in putting down the Rebellion, and then turn him over to the charity of the man whom he fought against, and who once owned him, must be founded in inequality, injustice and in infinite meanness.

"If you did not wish to have the negro hereafter to enjoy the rights of a man, why did you bring him on the battle-field?"

When he could relieve us from an impending draft,

we did not stop to discuss his right to political privileges then. "If he is their and your equal (and Thomas Jefferson said the measure of the black man's *talent* is no measure of his *rights*) on the battle-field, in the service of the country, he is and should be at the ballot-box, and if he is not your equal on the battle-field, then you have cheated the United States, to the injury of the national cause, to save yourselves from service."

But above all, this question is not purely a question of justice and humanity. We are bound by Article IV., Section 4 of the Constitution, to give to the South a Republican form of government. Congress has *imposed* not *conferred* this paramount duty.

There cannot in the nature of things be a loyal majority in the eleven States in rebellion, where, if you exclude the nameless martyr of East Tennessee, there was found no single man to make head against a revolution which very soon, in the South, was led by the men who originally opposed it. I tell you, Sir, there is nothing to hope and everything to fear from these States, of which Carl Schurz, the President's appointed agent, says:

"The loyalty of the masses and most of the leaders of the Southern people, consists in submission to necessity. There is, except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriotism.

"The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the *slave of society*, and all independent States legislation will share the tendency to make him such.

"The ordinances abolishing slavery, passed by the Convention under the pressure of circumstances, will not be looked upon as barring the *establishment of a new form of servitude*."

Alexander Stephens may say on the 22d of February, as he did at the inauguration of the Rebellion, "My only hope is founded in the virtue, the intelligence and the patriotism of the American people." But if he

means to describe, as doubtless he does, the people with whom he lives, what have we to expect of unregenerate rebels, whose average civilization is that of the middle ages, and who believed, or assumed to believe, that the laws of war justified starving 60,000 Union prisoners till they died at Andersonville.

In the States now represented in Congress we rely upon the educated intelligence of the people, and not upon such blind servility as that which followed without question the great Satrap of Slavery till he was captured among the swamps of Carolina, a fugitive in woman's apparel.

And what can be said of the patriotism of a people who hunger and thirst for the ruin of this government they have done so much to destroy, a government they have despised and reviled for four years, and now seeking its protection; blot from our language the word *Mankind*, which enriches it—a word that never passed the lips of Plato, Aristotle or Socrates. Shame on such patriotism which tells us, “come take away these 4,000,000 of God's creatures and expatriate them, or they shall suffer extermination at our hand in the coming “War of Races.” This is the same spirit that said to Tristram Burgess, “to day, to-day let New England be blotted out,”

Sir! this is first a question of right. Then it is a question of power. It is first a question of morals (for the forces always goes with the virtues), then it a question of salvation. We are to choose whether we will have a friendly and a Republican Government in eleven States lately in rebellion, or whether the old Oligarchy shall come back into the Union, governing themselves *within* a year of the time they pursued us with fire and sword, and more than this, coming back with the privilege when aided by discontented partizans in the North with the privilege of governing us. I am not an alarm-

ist. But I have lived among the younger leaders of the Rebellion and in the Southern States. I know their temper, and much as I hate their injustice, I have a still livelier contempt for that hypocrisy here, which, under the thin guise of a love for "the restored Union," eagerly waits to strike hands with the men who headed the Rebellion at the South, when they say with a terrible show of truth :

"Once more
Erect the standard there of ancient right,
Yours be the advantage all, mine the revenge."

I speak that I do know when I affirm that it has come to this—that the question of suffrage is now not so much, or so wholly a question of justice and humanity, as it is for all of us a question of 5-20s and 7-30s. Southern Senators and members of Congress will never vote to pay the debt created in subjugating them unless you add their debt incurred to subjugate us. We need the vote of the colored men, and in strengthening the hands of the party of reconstruction it is the right intention not the philosophic judgment which casts the votes. In the Rebel States we absolutely need numbers as well as intelligence. But I am met by the objection that the States are in the Union and must regulate these questions for themselves. If we grant that, there is vitality in the Rebel State governments; and second, that they have the right to regulate the question of suffrage, then our argument is at an end; but we make no such admission. A "State" is defined to be a "body politic." A Government "the persons who administer the laws." Well, then, the body politic cannot go out and has not gone out of the Union, but since the Supreme Court, the recognized arbiter of conflict between a State and Federal authority, by the voice of all its Judges has unanimously declared that from the 13th day of July, 1861, a civil territorial war has existed between the

United States and the Confederate States; since such war has existed, the State Governments—the persons who administer *the laws* are outside of the pale of the Constitution, because they become belligerents and enemies of the United States. These State Governments, then, have ceased to exist. Their suspended animation will know no revival. They ceased to exist in law when they renounced the Constitution. They ceased to exist in fact because such governments were expelled by force of arms. If the President of the United States counts heads and calls that the people, he at once takes the power from Congress, for it is the joint action of the House of Representatives, Senate and Executive which constitute Congress and places it in the Executive, where it does not properly belong.

That point has been ably put thus. I ask that gentlemen will go and read that great argument of Daniel Webster in the Rhode Island case before the Supreme Court of the United States, where he met this semi-revolutionary attempt to count heads and call that the people, and maintained, and so the Supreme Court judged, when it refused to take jurisdiction of the question that the great political law of America is that every change of government shall be conducted under the supervising authority of some existing legislative body, throwing the protection of law around the polls, defining the rights of voters, protecting them in the exercise of the elective franchise, guarding against fraud, repelling violence and appointing arbiters to pronounce the result, and declare the persons chosen by the people and we say greatly to the honor of the American people, it would take him to the going down of the sun to enumerate the instances in which almost every Constitution in the United States has been changed, without one ever having been changed by a revolutionary process, not under theegis of law, not guided by pre-existing politi-

cal authority. He maintained it to be the great *fundamental principle* of the *American Government* that *legislation shall guide every political change*, and that it assumes that somewhere within the United States there is always a permanent organized legal authority which shall guide the tottering footsteps of those who seek to restore governments which are disorganized and broken down. We have then, Mr. President, governments disorganized and broken down. What will we do with them?

Before I answer that question I shall summon one to whom public law is scarcely less indebted but who wrote a century later, that Vattel may reiterate with more precision, that

“A civil war breaks the bands of society and government, or at least, suspends their force and effect: it produces in the Nation two independent parties who consider each other as enemies and acknowledge no common judge. These two parties, therefore, must necessarily be considered as constituting, at least, for a time, two distinct societies.”

Need I appeal to Requieme, who declares that “when a part of a State takes up arms against the government, if it is sufficiently strong to resist its action, and to constitute two parties of equally balanced forces, the existence of civil war is thenceforward determined. If the conspirators against the government have not the means of assuming this position their movement does not pass beyond a Rebellion, as true civil war breaks the bonds of society by dividing it in fact into two independent societies. It is for this consideration that we treat of it in international law. Since each party forming as it were a separate Nation, both should be regarded as subject to the laws of war. This subjection to the law of Nations is the more necessary in civil wars, since these, by nourishing more hatred and resentment than foreign wars, require more the execution of the law of Nations in order to moderate their ravages.”

In God's government as well as in every wise human

government, the enforcements of obligations are coupled with and inseparable from the enjoyment of rights. With what semblance of reason can people administering governments in place of those extinguished by war claim the rights and powers of a State under a Constitution, which they have for years scorned, derided and despised?

After destroying that army which I have said in solid column would nearly reach around the globe they would modestly ask (the vanquished in conference with the victor) leave to submit, for their own approval, the laws under which they desire to hold their property and enjoy every right undisturbed as if there had never been any Rebellion. Dare we trust implicitly that these men will with cheerful resignation come back under a flag which they hate? but which we love, ten thousand times better than ever, because every stain on it folds has been washed white in the blood of the brave.

And when I contemplate the solemn questions of the hour, when I stared, astonished at the indecent haste with which red-handed Rebellion pleading most piteously a new-born love for the Constitution; and when I see men in high places "wincing under Southern thunder," just as American politicians have winced, and wincing yielded, for eighty-seven years, then I begin to tremble for my country.

It is no solace for our fears that Mr. Alexander Stephens so recently said: "Should all the States be brought back to their practical relations under the Constitution, we shall have still left the essentials of free government contained and embodied in the old Constitution *untouched and unimpaired.*"

I may be excused from trusting too far these gift-bearing Greeks!

I fail to discern that candor in the late Vice President's carefully prepared oration, spread upon the journals of

both Houses of the Georgia Legislature, which so touchingly turned the periods of his last and most eloquent plea for the Union of our fathers in 1860. (Our Southern friends understand the play, "She Stoops to Conquer.")

I would recall to his mind his Milledgeville letter, in which he says more than four years ago: "If everything else has to go down let our untarnished honor, at least survive the wreck."

If they get back on their own terms, they themselves have predicted that the next war will be inside of the Union for Southern rights. Sir, Southern *honor* did not survive the 14th day of April. It becomes us to meet these questions without passion, but with that courage which is often the loftiest prudence. The supreme hour for the nation has struck.

If we are just and fear not, we can teach the men so eager for the power they voluntarily abandoned, that "Conquering may prove as lordly and complete a thing, *in lifting upward* as in *crushing low*."

If the Conflict which is to decide whether the peace we have won by the sword is worth having and has come to stay: if that conflict must come, let it come. Let it come now, for with God's help and man's fidelity we will never, never be recreant to that trust sanctified to us and to the world by the valor of the dead, and dear to us all by the sacrifices made by the living. We cannot, we will not, we dare not omit to do that which the safety of the Union requires. The statesman is never regardless of consequences. But the man who is true to himself and just to others accepts all consequences which follow the discharge of public duty. As for myself I belong neither to the party of Caesar nor to that of Brutus. America will never be cursed with a Dictator, and assassination does not thrive since the days of the Roman Senate. We are engaged in a conflict of ideas nobler and more far reaching than the clash of bayonets.

If Congress does not give us Manhood Suffrage, we

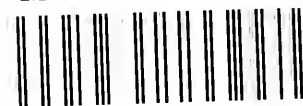


will have an Amendment to the Constitution prohibiting representation except upon the basis of those who are entitled to vote. The deep throbbing of the popular heart cannot be baulked in its purpose. If I do not live to see it my children will live to see the day when no man shall be denied a political right on account of his complexion. A democracy and an aristocracy of sentiment and manners I can understand. But a Democracy of Laws which compel the able bodied to bear arms and pay taxes, but prohibits the able minded from having either vote or voice in the policies which control them is a monstrosity in legislation, a falsehood in politics, and a sandy foundation for a Republic.

My soul expands to the altitude to which its Divine Author intended it to expand when I contemplate my country, often baffled and often defeated, but finally triumphing over all her oppressors. And, sir, in the eye of my mind I behold the shaft of granite from which rises the pillars of Constitutional, Republican and Universal Liberty in America. Its foundation is broader and its pillars more beautiful than the Grecian Parthenon upon whose snowy front the sunsets of two thousand years have left their golden stains; and upon this granite rock, moist with the blood of our best and bravest, will be written by each succeeding generation in letters of light that imperishable truth of history: There is no *Power* without *Justice*.

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